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MARTIN & FERRARO, LLP  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632

Telephone  
(330) 877-0700

Facsimile  
(330) 877-2030

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**TO:**

**Name:** Mail Stop AF  
Group Art Unit 3764/Examiner Michael Brown

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273- 8300

**Subject:** U.S. Patent Application No. 08/480,461

Gary K. Michelson

Filed: June 7, 1995

INSTRUMENTATION FOR THE SURGICAL  
CORRECTION OF HUMAN THORACIC AND  
LUMBAR SPINAL DISEASE FROM THE  
LATERAL ASPECT OF THE SPINE

Attorney Docket No. 102.0010-01000

Customer No. 22882

Confirmation No.: 9274

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 23

**Date:** October 31, 2006

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Communication with current listing of claims is being facsimile transmitted to the U.S. Patent and Trademark Office on October 31, 2006.

  
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PATENT  
Attorney Docket No. 102.0010-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary K. Michelson )  
Serial No.: 08/480,461 )  
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Examiner: Michael Brown

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Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION**

Pursuant to the Examiner's telephone request of today, attached is a current listing of the claims with respect to the above-identified application, which claims priority to U.S. CIP Application No. 08/394,836, filed February 27, 1995 (now U.S. Patent No. 5,772,661), and which has claims directed to the subject matter disclosed in the '836 application.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Dated: October 31, 2006

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030